

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RONALD PAUL RICHARDSON,

Plaintiff,

v.

No. 14-cv-0746 JB/SMV

IT'S QUEST, INC., and ALINA BAILON,

Defendants.

**MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before me on the Court on Plaintiff's failure to comply with the Court's Order Granting Leave to Proceed *In Forma Pauperis* and Directing Plaintiff to Amend his Complaint [Doc. 5].

On August 20, 2014, Plaintiff filed a complaint against itsQuest, Inc. and Alina Bailon, [Doc. 1], and a motion to proceed *in forma pauperis*, [Doc. 3]. The Court granted Plaintiff's motion to proceed *in forma pauperis*. [Doc. 5]. The Court found that Plaintiff's complaint, being largely unintelligible, fails to state a claim on which relief may be granted, because it does not explain what each Defendant did to him, when the Defendant did it, how each Defendant's action harmed him, or what specific legal right he believes the Defendants violated. Because Plaintiff proceeds pro se, the Court granted Plaintiff 21 days to file an amended complaint and notified Plaintiff that **"failure to amend the Complaint within 21 days and/or failure to file an amended complaint that meets the basic pleading requirements may result in dismissal of**

this action with prejudice.” [Doc. 5] (emphasis in original). Plaintiff has not filed an amended complaint and has not requested an extension of time to do so.

I recommend that the Court dismiss Plaintiff’s Complaint with prejudice. “A dismissal with prejudice is appropriate where a complaint fails to state a claim under Rule 12(b)(6) and granting leave to amend would be futile.” *Brereton v. Bountiful City Corp.*, 434 F.3d 1213, 1219 (10th Cir. 2006). Plaintiff’s complaint fails to state a claim. The Court explained why the complaint fails to state a claim, ordered Plaintiff to file an amended complaint, and warned Plaintiff that failure to file an amended complaint that meets the basic pleading requirements may result in dismissal of this action with prejudice. Plaintiff did not comply with the Court’s Order.

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN FOURTEEN DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition, they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). A party must file any written objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.



STEPHAN M. VIDMAR
United States Magistrate Judge